



CITY OF BELEN REGULAR COUNCIL MEETING

100 South Main Street, Belen New Mexico 87002

City of Belen Council Chambers

April 19, 2021

6:00 PM

AGENDA

A copy of the Agenda can be obtained from the Office of the City Clerk. Please be advised that all public meetings are video and audio recorded.

- 1) **CALL TO ORDER** The regular meeting of the Belen City Council, State of New Mexico, and County of Valencia to be held on Monday, April 19, 2021 at 6:00 P.M. in the Council Chambers at City Hall located at 100 South Main Street, Belen New Mexico 87002.
- 2) **ROLL CALL**
- 3) **PLEDGE OF ALLEGIANCE**
- 4) **APPROVAL OF AGENDA**
- 5) **APPROVAL OF MINUTES** 04.15.20
- 6) **PUBLIC COMMENT 3 MINUTE PRESENTATIONS:** (please listen for timer)
If more time is needed for presentation, please ask to be scheduled on the next agenda.
- 7) **PUBLIC HEARING WITH POSSIBLE ACTION**
 - a. Approval or Disapproval of an Ordinance for Fencing within City of Belen, *Steven Tomita*
 - b. Approval or Disapproval of an Ordinance for Naming City-Owned Public Buildings, Parks, Monuments, *Steven Tomita*
- 8) **DISCUSSION WITH POSSIBLE ACTION**
 - a. Approval or Disapproval of a Resolution acknowledging and Accepting the Fiscal Year 2020 Audit Report and Findings – *Robert Cordova, CPA Principal Member-Cordova, CPAs LLC*
 - b. Approval or Disapproval to appointment Sandra Baca to the P and Z Commission, *Mayor Jerah Cordova*
- 9) **INFORMATIONAL ITEMS**
 - a. City Manager's Report
 - b. Communication from City Council
- 10) **ADJOURNMENT**

Respectfully Submitted,

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Dorothy Flores
City Clerk

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact 505-966-2740 at least one week prior to the meeting or as soon as possible.

17.54.060 FENCING & WALLS

Purpose

The intent of fencing standards is to establish a uniformity of fencing appearance and materials of construction and create a general front yard harmony of one building with another in relation to the street.

Pre-existing fencing shall be grand fathered in and not subject to change under this Ordinance unless existing fencing is replaced, then it shall meet current standards.

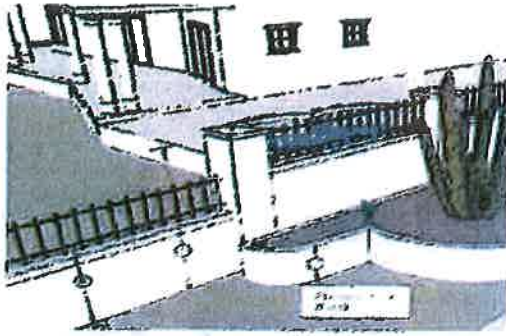
All new fence construction shall require Development Services Department approval prior to construction.

A. General standards

1. Fencing and screening shall be permitted as provided in this Section
2. Fencing materials shall be durable and consistent with abutting fences.
3. The height and location requirements of this section may be modified as part of a subdivision, planned area development, special use, or conditional use approval. However, due to the sensitive nature of fencing, special and conditional use approvals shall require both Planning Commission and Council approval. For fences on retaining walls, see definition of a retaining wall.
4. For parcels in residential use with a lot size of 10,000 square feet or smaller incorporation of courtyards in lieu of standard front yard fencing is encouraged to create a greater feeling of openness along the street. However, fencing in of the front yard remains allowable and all front yard fencing heights are restricted as set forth in paragraph 5.
5. Front yard fencing shall not exceed 36 inches in height for a solid fence or 48 inches in height with a combination solid and open fencing. Height may be increased to 72 inches maximum for courtyards if fencing extending above 48 inches is a viewing material.



6. A fence constructed on a side or rear property line shall not exceed a height of six feet (6') from highest finished grade adjacent to the fence, nor more than eight feet (8') from the lowest grade adjacent to the fence. Any fence of more than six feet (6') in height on the low side shall use berming, landscaping, fence offset(s) or similar enhancements to mask height differences, and in no case shall the fence height exceed eight feet (8'). Where the fence height exceeds six (6') on the lower side, a view fence shall be required for the portion above (6') in height.



7. Any fence above six feet (6') in height shall be designed by a New Mexico registered structural engineer and approved by the City.
8. On that part of the lot other than the required front yard setback area, fences may be erected up to six (6') feet in height.
9. For fencing purposes on a double front lot: the front shall be defined by the address assigned and the remaining street side(s) shall be considered the side or rear of the property. Fencing along the side or rear of a corner lot shall be set back from the street side property line as needed to maintain a proper sight triangle.
10. The fencing details shall show the proposed method of construction and anchoring of the fence, posts, gate and foundation details if applicable.
11. The fencing details shall clearly show the proposed distance between the fence and the abutting property lines and the sight line of a street right-of-way to the sight line of a street right-of-way intersection.

Adequate sight distance shall be maintained as per
18.31.6 NMAC State Highway Access Management Requirements Table 18.F-2.

12. The height of fences shall be determined by measurement from the ground level at all points upon which the fence is located. An increase in height shall be allowed when spacing for drainage under the fence is needed.
13. The use of barbed wire, wire mesh, electric fencing, or chain link shall not be used within Residential Zoning Districts of R-1, R-1A, R-2, R-2A, R-3, R-4.



14. Railroad ties, tires, temporary fencing (other than for construction or short term site security) and pallets shall not be used in any zoning districts. For temporary fencing a permit renewal shall be required every ninety (90) days. Permits are issued through Development Services Department.
15. Razor Wire, barbed wire, metal panel or electric fencing shall not be used in any Residential Zoning districts.
16. Storage areas, solid waste dumpsters, and large items for solid waste pick-up,

Where their use is necessary or required, shall be confined in an enclosed area and shall be of solid construction, six feet (6') high with locking gates providing access.

17. Fence lighting shall adhere to the night sky regulations, be low profile, no more than eighteen inches (18") above the fence line and not be in a position to interfere with abutting owners privacy.
18. All fencing shall be maintained in like new conditions with proper repairs to replace any damaged fencing or posts. Any repairs shall not be with wire, zip ties, duct tape or other like material.

B. New Subdivisions & Agricultural Zoning District (A-R).

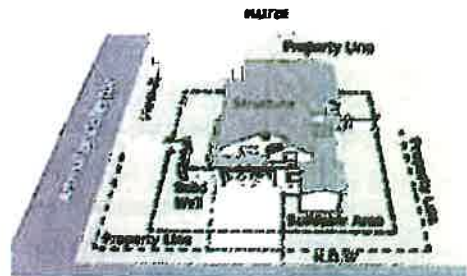
1. All fencing along the perimeter of an Agricultural Zoning District (A-R) and new subdivision not adjacent to an arterial or collector street shall be full view fencing of an open style material.



2. Fencing along collector streets shall be either full view fencing or partial view fencing (4' solid-2' view). The top of any view fence, if constructed of ornamental iron or a similar material shall have a rail or horizontal member such that no portion of the view fence protrudes not more than two inches (2") above the top rail or horizontal member.



3. Construction of solid fences no taller than six feet (6') shall be limited to the lots within the subdivision.



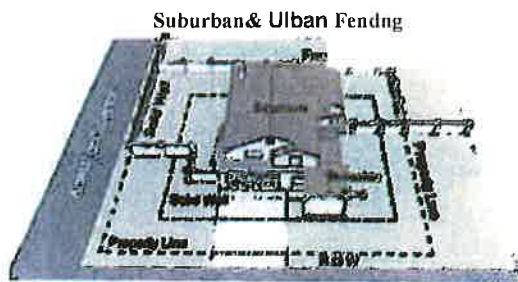
4. All solid and view fences within the building envelope shall be decoratively treated on the public side to match the architectural style and design of the neighborhood.





C. Residential Zoning Districts R-1, R-1A, R-2, R-2A, R-3, R-4.

1. Fences adjacent to streets may be solid and no taller than six feet (6') in height.
2. Fences adjacent to a community open space system or trail shall be partial view fencing (4' Solid - 2' view). The top of any view fence, if constructed of ornamental iron or a similar material, shall have a rail or horizontal member such that no portion of the view fence protrudes not more than two inches (2") above the top rail or horizontal member.
3. All fences shall be decoratively treated on the public side to match the architectural style and design of the neighborhood.



D. Commercial Zone Districts C-R, C-1, C-2

1. All residential uses located in a Commercial Zone shall use the Residential Zoning District fence regulations.
2. A fence constructed on a side or rear property line shall not exceed a height of seven feet (7') with one foot (1') of

out rigging for a total of eight feet (8') from the highest finished grade adjacent to the fence, nor more than ten feet (10') from the lowest grade adjacent to the fence. Any fence of more than six feet (6') in height on the low side shall use berming, landscaping, fence offset (s) or similar enhancements to mask height differences, and when adjacent to single or multi-family residential the fence height shall not exceed eight feet (8').



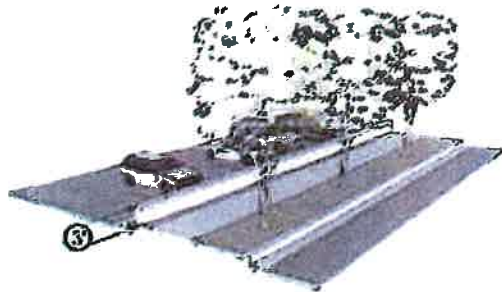
3. Front fencing and perimeter fencing shall be allowed in the following Commercial uses;
 - a. Storage units, Warehouses, Equipment buildings, Automotive related activities, utility buildings, open **storage** and impound areas.
4. All perimeter fences adjacent to an arterial or major collector shall be decorative. A decorative variation shall be provided every fifty feet.



Decorative Fence Example

5. All perimeter fences shall be finished on all sides to match the commercial and or industrial product architectural style and design.

6. Parking areas adjacent to the required front yard shall provide a decorative screen wall or landscape berm or combination thereof to a height not to exceed three feet (3') in order to adequately screen the undercarriages of the parked vehicles.

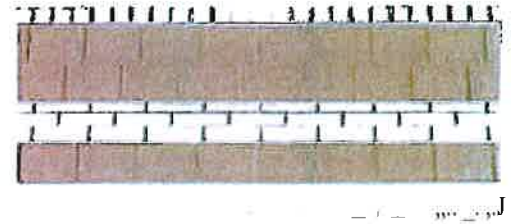


7. All other Commercial uses shall follow setback regulations for the specified Commercial zone provided in Title 17 of the City of Belen Municipal Codes.

**E. Manufacturing and Industrial Zone
Districts M-C, M-1.**

1. Residential uses located within a Manufacturing and Industrial Zone District shall use the Residential Zoning District regulations.
2. A fence constructed on a side or rear property line shall not exceed a maximum height of Twelve feet (12'). Any fence of more than ten feet (10') in height side shall use berming, landscaping, fence offset (s) or similar enhancements to mask height.
3. Solid fencing use along arterial and collector street on the perimeter of residential projects addresses individual property concerns regarding noise, light, privacy and safety. Because solid fence use

affects the image, character, safety, and privacy of the community, design upgrades such as material choices and additional buffering to offset the reduction in project openness and reduce the impact of solid fencing is required.



4. Solid fence designs shall require use of a minimum of three (3) materials including stone, brick, block or textured block including treated, split-face, single-score or patterned integrally colored block or similar enhancement and may include changes in color or texture.



5. Fencing within the Manufacturing and Industrial Zone districts shall require a plan review by the Planning & Zoning Commission.



F. Special Use Zone District SU I.

1. The underlying use within the Special Use Zone shall determine what fence regulations apply.
2. Fencing within the Special Use Zone shall require a plan review by the Planning and Zoning Commission.

**City of Belen
State of New Mexico
Ordinance No. 2021-__**

**AN ORDINANCE ESTABLISHING THE PROCESS FOR THE NAMING OF CITY-OWNED PUBLIC
BUILDINGS, PARKS, OR MONUMENTS**

Chapter 2.48 Naming City-Owned Public Buildings, Parks, Monuments

2.48.010 - Purpose

The purpose of this ordinance is to establish a process for the naming of city-owned buildings, parks, and monuments and to create a permanent register of names to be maintained by the City of Belen.

2.48.020 - Application Requirements

- A. Any individual or organization may submit an application to name a city-owned building, park, or monument.
- B. The application shall contain the following minimum information:
 - 1. Name, address and phone number of the applicant;
 - 2. Identification of the building, park, or monument and its address or location description;
 - 3. Proposed name; and
 - 4. Justification for the proposed name, including all available histories, biographies, documents, and any other relevant information.

2.48.030 - Naming Criteria

- A. Proposed names may include any relevant descriptions of location or historical significance, or the name of a person or family.
- B. Any application to name a building, park, or monument after a person or family shall comply with the following criteria:
 - 1. The person or family shall have a demonstrated connection to Belen, such as having been born in Belen, lived in Belen, or owned property or a business in Belen;
 - 2. If the proposed name includes the name of a specific person, the person shall be deceased; and
 - 3. The person or family shall be in good standing in Belen, specifically having not been convicted of a felony or removed from charitable service or public office due to malfeasance.

2.48.040 - Process for Application Consideration

- A. The applicant shall submit the application to the City Clerk who will verify its compliance with this ordinance.
- B. The City Clerk shall conduct a records search for verification of any existing name(s) and nickname(s) of the building, park, or monument and shall make all existing names and nicknames known to the Belen City Council.
- C. If the proposed name includes a person or family, the City Clerk shall conduct a records search for information indicating the person or family is not in good standing and shall make the results known to the Belen City Council.
- D. The City Clerk shall request consideration of the name in a public hearing at a regular public meeting of the Belen City Council within sixty (60) days of application submission.

- E. The Belen City Council shall consider the proposed name at a regular public meeting of the Belen City Council held not less than two (2) weeks after the public hearing.

2.48.050 - Adopting the Name

- A. If the name is approved by the Belen City Council, the City shall create a proclamation to be signed by the Mayor and City Clerk naming the building. The name shall also be added to the register.
- B. The proclamation and register shall be kept as part of the City's permanent records.
- C. A plaque or sign designating the name may be placed on the building, park, or monument.

2.48.060 - Renaming buildings, parks, and monuments

- A. Once a name of a building, park, or monument has been adopted by the Belen City Council, the name shall not be modified or removed except by reapplication in compliance with the provisions of this ordinance.

Be it ordained by the Governing Body of the City of Belen that this ordinance has been passed, approved and adopted this _____ day of _____.

Jerah Cordova, Mayor

ATTEST:

Dorothy Flores, City Clerk

SEAL

CITY OF BELEN

RESOLUTION NUMBER

2021-_____

ACCEPTANCE AND APPROVAL OF THE FY20 AUDIT

WHEREAS, the City of Belen is required by statute to contract with an independent auditor to perform the required annual audit or agreed upon procedures for Fiscal Year 2020; and,

WHEREAS, the City of Belen Governing Body has directed the accomplishment of the audit for FY20 be completed; and,

WHEREAS, this audit has been completed and presented to the City of Belen Governing Body per the March 16th 2021 letter from the Statue Auditor authorizing release of the FY20 audit.

WHEREAS, NMAC 2.2.2.10 (M) (4) provides in pertinent part that "Once the audit report is officially released to the agency by the state auditor (by a release letter) and the required waiting period of five calendar days has passed, unless waived by the agency in writing, the audit report shall be presented by the IPA, to a quorum of the governing authority of the agency at a meeting held in accordance with the Open Meetings Act, if applicable;" and,

NOW THEREFORE, BE IT RESOLVED, that the City of Belen Governing Body does hereby accept and approve the completed audit report and findings as indicated within this document.

ACCEPTED AND APPROVED this 19nd day of April 2021 in regular session by the City of Belen Governing Body, in Belen, Valencia County, New Mexico.

RONNIE TORRES, COUNCILOR

FRANK F. ORTEGA, COUNCILOR

ROBERT NOBLIN, COUNCILOR

DANNY BERNAL JR., COUNCILOR

JERAH R. CORDOVA, MAYOR

ATTEST BY:

DOROTHY FLORES, MUNICIPAL CLERK